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10/684,219	10/10/2003	Shoji Ogushi	2933SEC-2	8669

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EXAMINER	
MCCORMICK, GABRIELLE A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/684,219	Applicant(s) OGUSHI ET AL.	
	Examiner Gabrielle McCormick	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2009*.

2a)☒ This action is FINAL. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-7,31,33-44 and 46-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-7, 31, 33-44 and 46-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on January 9, 2009.

2. Claims 2, 31, 38, 44 and 46 have been amended.

3. Claims 32 and 45 have been canceled.

4. Claims 2-7, 31, 33-44 and 46-50 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-7, 31, 33-44 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al. (US Pat. No. 6,990,458 hereafter referred to as "Harrison") in view of Ingman et al. (US Pub. No. 2004/0111311, hereinafter referred to as "Ingman") in view of Yamasaki et al. (US Pub. No. 2001/0028473, hereinafter referred to as "Yamasaki") in view of Azieres et al. (US Pat. No. 6,646,564 hereafter referred to as "Azieres").

7. Claims 2 and 38: Harrison discloses in Figure 8 receiving input (801; i.e., service requests/work orders); comparing the distance of the technician to the location (826 and C8; L5-13); and assigning work orders (830). Technicians are linked (and therefore have the ability to receive and notify) via communication means, including a cell phone and a wireless computer (C3; L35-42 and Fig. 1). The technician accesses the server to enter work order information (i.e., the work order has been selected) (C3; L61-63). Technicians communicate work order status (i.e., the work order is updated; upon the technician communicating a work order status, such as "in

service", it is clear that the technician has accepted the work order) (C3; L67-C4; L4). The memory devices are understood to be an inherent function of the server that includes processing, routing and a database. (C3; L18-21). This inherency is supported by the server retrieving subscriber information from the database (C4; L19-20) and the "Edit" option for administering the technicians where information "that already exists" can be edited. (C5; L34-35).

8. Harrison discloses a server (C3; L6-29: server 116) that provides the technician with work order information (i.e., detailed reception information) (C4; L28-32: technician receives work order). The tasks of the work order are assigned difficulty points based on skill and time required to complete the task and matched to technicians (C5; L63 – C6; L5 and C7; L1-6), thus the work orders inherently contain required skill information and repair time information.

9. Harrison does not disclose a failure diagnosis server; however, this difference is only found in the nonfunctional descriptive data and is not functionally involved in the steps recited. The information would be received from the server regardless of the name of the server. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included naming the server because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation as a name does not patentably distinguish the claimed invention.

11. Harrison discloses a *predetermined work area* (C5; L38-42) but does not explicitly disclose that the worker's work item is *geographically outside the work area*.

12. Ingman, however, discloses a method and system for assigning multiple technicians to turfs (P[0009]) and that technicians are reassigned to another turf. (P[0005]).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included reassigning technicians to other turfs, as disclosed by Ingman, in the system of Harrison for the motivation of giving control over technician assignment to provide coverage

during atypical periods, such as a heavy repair workload in one part of town that requires reassignment of technicians to that area. Further, during times of severe weather, technicians may need to be reassigned. (Ingman; P[0006]).

14. Harrison does not disclose the failure diagnosis server diagnosing a failure status of a machine of the client except when the accepted work order request does not require that the worker operate the machine.

15. Yamasaki, however, discloses that a service company or manufacturer manages the repair and replenishment of expendable supplies by obtaining device information from the target management device (i.e., the client's machine) through transmitting device information from the target device to the managing device. (P[0019-0021]). The system operates to determine whether an "abnormality report" should be sent and discloses that a small error that can easily be corrected by the user, such as toner empty and paper shortage, would not generate an abnormality report whereas an abnormal state that cannot be corrected by the user would generate an abnormality report. (P[0184]). Further, the determination to send the report is based on user's skills. (P[0186]). By disclosing that the abnormality report is not sent for small errors, it is clear that the service worker is not requested (and thus would not be operating the machine), and therefore does not receive the abnormality report. It is further obvious that by disclosing that the service company carries out regular checking and replenishment of expendables (P[0125]), work order requests must also be made for replenishment purposes.

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included sending detailed reception information from a failure diagnosis server except when the worker is not required to operate the machine, as disclosed by Yamasaki, in the system of Harrison for the motivation of aiding the service management company in reducing costs thru more effectively managing the service resources and allowing prompt response to critical problems. (Yamasaki; P[0185]).

17. Harrison does not disclose repair method information.

18. Azieres, however, discloses displaying instructions to service personal for correcting out-of-range conditions. (C6; L28-32).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included providing instructions for servicing equipment, as disclosed by Azieres, in the system of Harrison for the motivation of providing remote instructing to service personnel. (Azieres; C2; L25-29).

20. The Examiner notes that *repair method information, expected repair time information and required skill information* is non-functional descriptive data and is not functionally involved in the steps recited. The worker would be provided with information regardless of the nature of the information. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included *repair method information, expected repair time information and required skill information* because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the nature of the information does not patentably distinguish the claimed invention.

22. Claims 3 and 39: Harrison discloses a work order number (C4; L33) and equipment (C6; L42-46).

23. Claims 4, 6, 40 and 42: Harrison discloses entering an address of a service location (C6; L33-36) and uses GPS to track a technician's location (C4; L4-5). An address is an equivalent of a longitude/latitude position for a work place; therefore, it would be obvious to substitute a longitude/latitude position for an address as a means of locating a position. Harrison also discloses that a distance comparison is made between the technician's location and the work order location (C8; L8-13). Harrison does not disclose that longitude/latitude positions are the basis for the distance computation, but it is obvious that the GPS tracking device and the address of the work place provide equivalent location detection means.

24. Claims 5 and 41: Harrison discloses entering address information as longitude/latitude for the Start/End location. The Start/End locations represent the positions of the technician. (C5; L42-44).

25. Claims 7 and 43: Harrison discloses that work orders include equipment information (C6; L42-46) and that technicians communicate work order status (C3; L67 - C4; L1), therefore, it is obvious that the work order would be displayed to a technician.

26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included displaying work orders for the motivation of providing a method of communicating the service request from the customer to the technician who will perform the service or equipment installation.

27. Claims 31 and 44: Harrison discloses a worker code (C5; L30-32: technician's name) and a progress code (C4; L50-58 and Fig. 3: different icons for various statuses).

28. Claims 32 and 45: Harrison discloses a server (C3; L11-18: server 116). Harrison does not disclose a failure diagnosis server; however, this difference is only found in the nonfunctional descriptive data and is not functionally involved in the steps recited. The information would be received from the server regardless of the name of the server. Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included naming the server because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation as a name does not patentably distinguish the claimed invention.

30. Claims 33 and 46: Harrison discloses updating the progress code based on the status of the service request. (C4; L50-57).

31. Claims 34 and 47: Harrison does not disclose a procedure for a work item with respect to the work request.

32. Azieres, however, discloses displaying instructions to service personal for correcting out-of-range conditions. (C6; L28-32 and C11; L46-50). Thus, a procedure associated with a service request on equipment is displayed.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included equipment based procedures for a service request, as disclosed by Azieres, in the system of Harrison for the motivation of providing remote instructing to service personnel. (Azieres; C2; L25-29).

34. Claims 35 and 48: Harrison discloses the required rime for the work order (C7; L5). It is inherent that this is an estimate in that until the work order is completed, an actual time cannot be ascertained, thus in basing assignment of a technician based on the required time, it inherently must be estimated.

35. Claims 36 and 49: Harrison discloses a point system that designates the difficulty of a task. (C5; L64-67).

36. Claims 37 and 50: Harrison inherently discloses memory. The memory devices are understood to be an inherent function of the server that includes processing, routing and a database. (C3; L18-21). This inherency is supported by the server retrieving subscriber information from the database (C4; L19-20) and the "Edit" option for administering the technicians where information “that already exists” can be edited. (C5; L34-35).

Response to Arguments

37. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

38. Regarding Applicant’s argument that Harrison does not teach “updating, by a technician, a work request from an unaccepted state to an accepted state”, the Examiner points out that the claim language does not require the updating to be performed by the technician. Further, the Examiner maintains that Harrison does teach this limitation. Work orders are assigned to technicians, but

may also be canceled (C6; L37-40), thus, although a work order is assigned, it is not "accepted" by the technician until the technician begins work on the work order. This is taught at C4; L1-4 where technicians enter work order status, including "in service" which is understood that the technician is working on the work order and therefore has "accepted" it. The system tracks the status of work orders (C4; L61- C5; L3), thus, when the technician updates the work order status, it is clear that the state of the work order has moved from "unaccepted" to "accepted".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/JOHN G WEISS/
Supervisory Patent Examiner, Art Unit 3629